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Written statement* submitted by Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Torture in Bahrain: A State Behaviour and A Systematic Policy

Introduction

On January 5 of 2017, the King of Bahrain issued Decree No. 1 startled civil society, as it granted officer and members of the National Security Agency (NSA) the status of judicial control officers by giving them power to arrest and investigate. The NSA has involved in extrajudicial killings and torture in its prisons at the Ministry of the Interior known as "Al Qaala", and the cases of human rights abuses conducted by the NSA has been documented in the Bahrain Independent Commission of Inquiry BICI report in 2011.

A detainee died in prison after being allegedly tortured

On July 31, 2016, Al Hoora Police Station reported the death of Hasan Jasim Hasan Al Haiki at the Salmaniya Medical Compex to his family in a phone call. No specific causes of death were documented, but an article published on the Ministry of Interior website alleged that he had "a health problem" whereas his family confirmed that Al Haiki had no health problems prior to his arrest and claimed that he died of injuries sustained during torture in the Criminal Investigation Directorate CID.

On 22 July 2016, Al Haiki was taken to the Public Prosecution for the second time, and testified that officials subjected him to sexual assault and forced him into signing on false confessions. His family stated that, despite his repeated requests to the Public Prosecutor's Office for a lawyer, the authorities continued to interrogate Al Haiki without any legal advisor. When his personal lawyer went to the Public Prosecutor's Office, officials told him that Al Haiki had not yet been brought.

Death sentences against torture victims

On June 8 2017, the Supreme Criminal Court, headed by Judge Ali al-Dhahrani, issued two death sentences against victims of torture, Sayed Ahmed al-Abbar and Hussein Ali Muhammad. Both detainees reported to their families that they had been tortured and forced to sign confessions extracted under torture in solitary confinements at the Criminal Investigation Directorate (CID), where they were subjected to kicking, beatings on the head and to sexual harassment for nearly two weeks.

Meanwhile, on January 15, Bahraini authorities executed three victims of torture, Sami Mushaima, Ali al-Singace and Abbas al-Sameea. Local and international organizations have called on the Bahraini authorities to investigate the allegations of torture, as they testified they were tortured, electrically shocked, stripped naked and severely beaten. Despite evidence that shows Abbas al-Sameea was innocent of the crime, the judiciary refused to take it into consideration. The organizations considered that an accomplice to the judiciary in covering up the crime of torture committed against these detainees.

Enforced disappearances

Two detainees, Sayed Alawi Sayed Hussein and Sayed Fadel Abbas Radhi, have been held incommunicado and not been allowed to meet a lawyer nor their families for nine months. No formal charges are yet brought against them with no trial, and their place of detention remains so far unknown. During the detention period, losing their contact with the outside world, detainees are subjected to torture in order to extract false confessions at the notorious Criminal Investigation Directorate (CID).

In accordance with article 9 of the International Covenant on Civil and Political Rights, to which Bahrain acceded in 2006, "a person who is arrested or detained on a criminal charge shall be promptly brought before a judge or an officer legally authorized to exercise judicial functions and shall be entitled to trial within a reasonable time or to be release", when the UN Special Rapporteurs also consider that enforced disappearance is a crime against humanity.

Torture in detention centers: "the Criminal Investigation Directorate CID"

On May 5, 2017 Al Wefaq Shura Council member Nizar Al Qari was arrested for exercising his rights to freedom of opinion and expression and was held in the Criminal Investigations Directorate and later transferred to a temporary detention center, Dry Dock prison. Al Qari was beaten and forced to stand for long hours and was assaulted for several

days where the investigation was based on his activities in the opposition party Al Wefaq, in which he was a member until the Bahraini authorities dissolved it by court order and stopped all its activities.
On December 13, Komail Ahmed Hamideh Komail was arbitrarily arrested and subject to torture and ill-treatment in the Criminal Investigations Directorate CID. On December 21, 2016, his family managed to visit him for the first time. The family members testified to the BCHR that there were signs of torture on his lower lip to his chin. He told his family that the beating was concentrated on his ears, which caused difficulties in hearing. He was also electrocuted in his feet, and hot water was poured on his body to force him to confess on false charges of illegal gathering and photography of protests. Komail also added that upon his arrival to the Dry Dock Detention Center he was beaten by policemen and guards.

Torture victims are prohibited from treatment

Human rights organizations continue to receive many reports and testimonies about prohibiting torture victims from medical treatment, instead of providing them with medical care and psychological rehabilitation. For example, the victim of torture, Akbar Ali, who was recently released, was prevented from his right to treatment by the administration of Jau Central Prison, despite his deteriorating psychological condition that resulted from torture, which caused several attempts to commit suicide.
Mohammed Faraj is sentenced to seven years in prison. He suffers from MS and needs periodic and regular treatment as a result of the chronic disease. The Jaw prison administration refuses to offer him a medical treatment, which has led to multiple health complications.
Elyas Faisal Al Mulla is a victim of torture and sentenced to 15 years in prison. He is suffering from cancer. He has been prevented from treatment for many periods that caused health complications. The prison administration continues to delay his treatment, ignoring the fact that the proper medical treatment is guaranteed by both local and international laws, as it is stipulated in the Constitution of Bahrain.
Jaafer Oun was tortured in the head area, which caused complications, the most recent of which was a swelling of the head. He asked for treatment and to be diagnosed by a specialist doctor, but the prison administration of Jau has procrastinated his transfer to a specialized hospital outside the prison clinic. This may cause serious health complications.

Torture of women

Amnesty International said that on May 25 2017 that human rights defender Ebtisam al-Saegh received a call from the security compound in Muharraq, which belongs to the NSA. She was interrogated for more than seven hours about her human rights activities in Bahrain as well as her work and delivered oral interventions at the UN Human Rights Council in Geneva. Al-Sayegh reported that she was subjected to torture, slapping, verbal and sexual harassment, and continuous beatings on the head. She was threatened to stop and suspend her activities.
At the Isa Town Prison for women, 12 Bahrainis are currently in detention on political grounds, many of whom have been subjected to abuse and inhuman treatment and ill-treatment.

Torture is outrageous and deprives the human dignity and humiliates oneself and makes him/her a victim and a plaything in the hand of the torturer. It creates negative feelings in the heart of that person and forces him to confess on things that are fraught and void and that are not related to reality, which is humanly and legally unacceptable. This practice must end in all its forms, so that the country can enjoy security and peace.

Recommendations

To the Bahraini authorities:

- Immediately stop the use of torture as a policy to extract confessions and to spread fear and intimidation among people;
- Immediately, impartially and transparently investigate the allegations of torture against dozens of officers in the National Security Agency NSA who are involved in torture and other human rights violations;

- Hold accountable any person found guilty of committing, or supervising the crimes of torture in a fair trial in accordance with international standards;
- Compensation and reparation for victims of torture and the establishment of a rehabilitation center for victims of torture;
- End the culture of impunity governing the police forces and carry out comprehensive reforms to ensure transparency and legal accountability;
- Signing and ratifying the Optional Protocol to the Convention against Torture in order to enhance the legal accountability of perpetrators of torture offenses;
- Respect for article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, which stipulate that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment;
- End the practice of enforced disappearance, incommunicado detention and arbitrary detention;
- Allow the UN Special Rapporteur on Torture to visit Bahrain urgently and allow him to work freely and meet the victims unconditionally.